

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

MAR 15 2013

TIM RHODES
COURT CLERK

36 _____

WILLIAM RANDALL MCKINNEY,
Plaintiff,

vs.

Case No.

CITY OF OKLAHOMA CITY, CITY OF
OKLAHOMA CITY POLICE DEPARTMENT,
PHIL WILLIAMS, JEREMY ANGLIN, PAUL
CAMACHO, CHRISTOPHER GULIKERS.
Defendants.

CJ 2013-1638
FILED
2013 MAR 19 PM 1:09
CITY OF
OKLAHOMA CITY, OKLA
OFFICE OF
CITY CLERK

PETITION

COMES NOW, the Plaintiff, William McKinney (hereinafter referred to as Plaintiff), and for his cause of action against the Defendants, City of Oklahoma City, City of Oklahoma City Police Department, Phil Williams, Jeremy Anglin, Paul Camacho, and Christopher Gulikers, (hereinafter collectively referred to a "Defendants"), allege and states as follows:

1. That the Plaintiff, Billy McKinney, resides within Cleveland County, State of Oklahoma.
2. That the City of Oklahoma City is a municipality within Oklahoma County.
3. That the City of Oklahoma City Police department is a subdivision within Oklahoma County, State of Oklahoma.
4. That the Defendants Phil Williams, Jeremy Anglin, Paul Camacho and Christopher Gulikers are employed by the City of Oklahoma Police Department.

Exhibit 1

5. That all of the circumstances given rise to this incident occurred in Oklahoma County, State of Oklahoma. Therefore, venue is proper herein.
6. That on or about the 18th day of March, 2011, Plaintiff was arrested by the City of Oklahoma Police Department after suffering injuries caused by the arresting officers.
7. Plaintiff was tased, kicked and punched prior to and during his arrest by Officers Anglin, Camacho and Gulikers.
8. Plaintiff was taken to Southwest Integris Medical Center for treatment.
9. Plaintiff did not make any movements or actions to justify the use of force.
10. That as a result of the incident described herein, the Plaintiff suffered personal injuries causing him to seek medical treatment. Plaintiff, William McKinney, has experienced physical pain and mental anguish. Plaintiff also missed work causing significant lost profits to his business.

FIRST CAUSE OF ACTION

ASSAULT

Comes now, the Plaintiff, William McKinney, and for his First Cause of action herein incorporate the allegations set forth above and further assert:

11. Defendants, Jeremy Anglin, Paul Camacho, and Christopher , acted either with the intent of making a harmful contact with the person of Plaintiff or with the intent of putting Plaintiff, William McKinney, in apprehension of such a contact

12. Plaintiff, William McKinney, was placed in apprehension of an immediate offensive with their person by the conduct of Defendants.

13. Plaintiff, William McKinney, was caused to suffer fright and terror.

WHEREFORE, the Plaintiff, Billy McKinney, prays for judgment against the Defendants and for a total sum in excess of Ten Thousand and No/100 Dollars (\$10,000.00), costs of this action and for such other and further relief as the Court deems just and proper.

SECOND CAUSE OF ACTION

BATTERY

COMES NOW, the Plaintiff, William McKinney, and for his Second Cause of action herein incorporate the allegations set forth above and further assert:

14. Defendant, Jeremy Anglin, without the consent of Plaintiff, William McKinney, acted either with the intent of making a harmful contact with the person of Plaintiff, in apprehension of such a contact.

15. Defendant, Paul Camacho, without the consent of Plaintiff, William McKinney, acted either with the intent of making a harmful contact with the person of Plaintiff, in apprehension of such a contact.

16. Defendant, Christopher Gulikers , without the consent of Plaintiff, William McKinney, acted either with the intent of making a harmful contact with the person of Plaintiff, in apprehension of such a contact.

17. Defendants' acts resulted in a harmful contact with Plaintiff, William McKinney.

WHEREFORE, the Plaintiff, William McKinney, prays for judgment against the Defendants and for a total sum in excess of Ten Thousand and No/100 Dollars (\$10,000.00), costs of this action and for such other and further relief as the Court deems just and proper.

THIRD CAUSE OF ACTION

DEPRIVATION OF RIGHTS

COMES NOW, the Plaintiff, William McKinney, and for his Third Cause of action herein incorporates the allegations set forth above and further asserts:

18. That Defendants actions caused Plaintiff to be subjected to a deprivation of rights, privileges or immunities secured by the Constitution and laws, in violation of 42 O.S. §1983.
19. That Plaintiff, William McKinney, has suffered a deprivation of rights as a result of Defendants' conduct.

WHEREFORE, the Plaintiff, William McKinney, prays for judgment against the Defendants and for a total sum in excess of Ten Thousand and No/100 Dollars (\$10,000.00), costs of this action and for such other and further relief as the Court deems just and proper.

FOURTH CAUSE OF ACTION

EXCESSIVE FORCE

COMES NOW, the Plaintiff and for his Fourth Cause of action herein incorporates the allegations set forth above and further asserts:

20. That Defendants' conduct was excessive force in violation of OK. CONST. Article 2 § 9 and the 8th Amendment to the U.S. Constitution.

WHEREFORE, the Plaintiff, William McKinney, prays for judgment against the Defendants and for a total sum in excess of Ten Thousand and No/100 Dollars (\$10,000.00), costs of this action and for such other and further relief as the Court deems just and proper.

FIFTH CAUSE OF ACTION

FAILURE TO TRAIN, SUPERVISE AND CONTROL

COMES NOW, the Plaintiff and for his Fifth Cause of action herein incorporates the allegations set forth above and further asserts:

21. That Defendants, Officers Anglin, Camacho, and Gulikers were directed to make contact with Plaintiff by Defendant, Inspector Phil Williams.
22. That Inspector Phil Williams failed to properly supervise the officers as they were carrying out his instructions.

WHEREFORE, the Plaintiff, William McKinney, prays for judgment against the Defendants and for a total sum in excess of Ten Thousand and No/100 Dollars (\$10,000.00), costs of this action and for such other and further relief as the Court deems just and proper.

SIXTH CAUSE OF ACTION

NEGLIGENCE

COMES NOW, the Plaintiff and for his Sixth Cause of action herein incorporates the allegations set forth above and further asserts:

23. That the actions of Officer Anglin, Officer Camacho and Officer Gulikers were negligent.

24. That Defendants City of Oklahoma City Police Department and Inspector Phil Williams were also negligent under the legal theory of respondeat superior.

WHEREFORE, the Plaintiff, William McKinney, prays for judgment against the Defendants and for a total sum in excess of Ten Thousand and No/100 Dollars (\$10,000.00), costs of this action and for such other and further relief as the Court deems just and proper.

SEVENTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

COMES NOW, the Plaintiff and for his Seventh Cause of action herein incorporates the allegations set forth above and further asserts:

25. That the actions of Officer Anglin, Officer Camacho and Officer Gulikers were intentionally committed to cause Plaintiff, William McKinney, great emotional distress.

WHEREFORE, the Plaintiff, William McKinney, prays for judgment against the Defendants and for a total sum in excess of Ten Thousand and No/100 Dollars (\$10,000.00), costs of this action and for such other and further relief as the Court deems just and proper.

EIGHTH CAUSE OF ACTION

ABUSE OF DISCRETION AND AUTHORITY

COMES NOW, the Plaintiffs and for their Eighth Cause of action herein incorporates the allegations set forth above and further asserts:

26. Inspector Phil Williams abused his authority when he directed other Officers to make contact with Plaintiff, William McKinney.
27. Officers Anglin, Camacho and Gulikers abused their authority as Oklahoma City Police Officers when they made contact with Plaintiff William McKinney without legal justification.

WHEREFORE, the Plaintiff, William McKinney, prays for judgment against the Defendants and for a total sum in excess of Ten Thousand and No/100 Dollars (\$10,000.00), costs of this action and for such other and further relief as the Court deems just and proper.

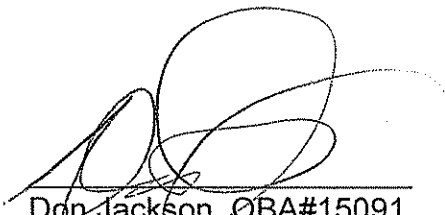
NINTH CAUSE OF ACTION

PUNITIVE DAMAGES

COMES NOW, the Plaintiffs and for their Ninth Cause of action herein incorporates the allegations set forth above and further asserts:

28. The Defendants' conduct evinces a reckless disregard for the life of another entitling Plaintiff to damages for the sake of example.
29. That the acts of the Defendant's constitute willful and wanton conduct, for which the Plaintiff is entitled to recover punitive or exemplary damages.

WHEREFORE, the Plaintiff, William McKinney, prays for judgment against the Defendants and for a total sum in excess of Ten Thousand and No/100 Dollars (\$10,000.00), costs of this action and for such other and further relief as the Court deems just and proper.



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ATTORNEY LIEN CLAIMED

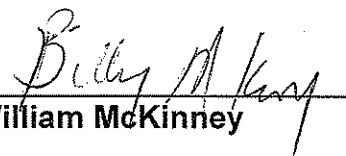
VERIFICATION

STATE OF OKLAHOMA)
) ss
COUNTY OF OKLAHOMA)

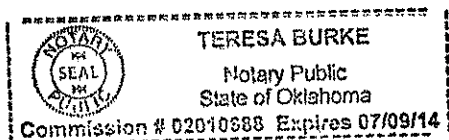
William McKinney, of lawful age, being duly sworn upon oath, states:


That he is the Plaintiff herein; That he has read the foregoing Petition, knows the contents thereof, and that the matters and things set forth are true and correct to his best knowledge and belief.

I declare under penalty of perjury that I have examined the document herein, and to the best of my knowledge and belief, it is true, correct, and complete.


William McKinney

SUBSCRIBED and SWORN to me this 15 day of March, 2013.




Teresa Burke, Notary
My Commission No.: 02010688
Expires: 7-9-14